



WISCONSIN LEGISLATIVE COUNCIL AMENDMENT MEMO

2003 Assembly Bill 573	Assembly Amendment 1
<i>Memo published: November 21, 2003</i> <i>Contact: Philip G. Cardis, Staff Attorney (267-0683)</i>	

Assembly Bill 573 specifically permits the operation of off-road utility vehicles on certain roadways of the state. The bill defines “off-road utility vehicle” as a motor vehicle that is designed and constructed to carry one or two persons *and* be used for collecting residential and commercial solid waste (such as garbage, yard waste, and recyclable materials), landscaping, or incidental street maintenance. As defined in the bill, an off-road utility vehicle must meet the equipment standards under state law for a Type 2 automobile or Type 2 motorcycle or the federal equipment standards for a low-speed vehicle and may not be certified for on-road use by its manufacturer.

The bill permits off-road utility vehicles to be operated on all roadways in this state that have a speed limit of 35 miles per hour or less, but only if the off-road utility vehicle is being used to collect residential or commercial solid waste or is being used for landscaping or incidental street maintenance. In addition, the vehicle must be operated by a person employed by, or under contract with, the state or a local governmental unit. The bill specifically prohibits the operation of off-road utility vehicles on any roadway having a speed limit of more than 35 miles per hour. A person who violates any of these provisions relating to the operation of off-road utility vehicles may be required to forfeit not less than \$30 nor more than \$300.

The bill also does all of the following:

1. Exempts off-road utility vehicles from vehicle registration by the Department of Transportation.
2. Requires an operator of an off-road utility vehicle to have a valid operator’s license or instruction permit authorizing the operation of “Class D” vehicles (primarily automobiles, but also any other motor vehicles that are not commercial motor vehicles or Type 1 motorcycles).

3. Requires the operators of off-road utility vehicles to observe the rules of the road, including this state's implied consent law and statutory provisions relating to drunken driving, and subjects violators of those rules to the same penalties as those that apply to violations committed while operating other "Class D" vehicles.
4. Exempts off-road utility vehicles from motor vehicle emission limitations and testing.

Assembly Amendment 1 amends the bill in the following manner:

1. Modifies the definition of "off-road utility vehicle" to include low speed vehicles that are *certified by the manufacturer* as meeting federal equipment standards.
2. Provides that an off-road utility vehicle be used only for the *state or local government purpose* of collecting residential or commercial solid waste, landscaping, or performing incidental street maintenance.
3. Provides that an off-road utility vehicle be operated only on a highway for a distance not to exceed one-half mile.

Legislative History

On November 20, 2003, the Assembly Committee on Transportation introduced Assembly Amendment 1 by unanimous consent. The Assembly Committee on Transportation recommended adoption and passage of the bill, as amended, by a vote of Ayes, 14; Noes, 0.

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